

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**VIRGINIA HUNT as surviving parent of** §  
**ASHLEA HUNT MARTIN, Deceased** §  
*Plaintiff,*

**VS.**

**U.S. XPRESS, INC. AND** §  
**ROBERT J. AKERS,** §  
*Defendants.* §

**CIVIL ACTION NO.**  
**2-04CV-446**

**DEFENDANTS U.S. XPRESS, INC. AND ROBERT J.**  
**AKERS ORIGINAL ANSWER**

**TO THE HONORABLE JUDGE OF SAID COURT:**

**COMES NOW**, U.S. Xpress, Inc. and Robert J. Akers, Defendant herein, and files this their Original Answer to Plaintiff's Original Complaint, and in support thereof would respectfully show unto this Honorable Court as follows:

**I.**

**Procedural History**

Plaintiff filed her Original Complaint in the United States District Court, Eastern District of Texas, Marshall Division, on December 15, 2004. Defendants U.S. Xpress and Akers ("Defendants") were served with citation on December 20, 2004.

**II.**

**Responses to Plaintiff's Allegations**

1. Defendants admit the allegations of Paragraph 1 of Plaintiff's Original Complaint regarding the residency of Virginia Hunt and her status as surviving parent of Ashlea Hunt Martin.

2. Defendants admit the allegations of Paragraph 2 of Plaintiff's Original Complaint regarding the citizenship of U.S. Xpress in Tennessee.

3. Defendants admit the allegations of Paragraph 3 of Plaintiff's Original Complaint regarding the residency of Defendant, Robert J. Akers, in Tennessee.

4. Defendants deny the allegations of Paragraph of 4 of Plaintiff's Original Complaint regarding the amount in controversy exceeding \$75,000.00, exclusive of interests and costs.

5. Defendants deny the allegations of Paragraph 5 of Plaintiff's Original Complaint.

6. Defendants deny the allegations of Paragraph 6 of Plaintiff's Original Complaint.

7. Defendants deny the allegations of Paragraph 7 and its sub-parts of Plaintiff's Original Complaint.

8. Defendants deny the allegations of Paragraph 8 of Plaintiff's Original Complaint.

9. Defendants deny the allegations of Paragraph 9 and its sub-parts of Plaintiff's Original Complaint.

10. Defendants deny the allegations of Paragraph 10 and its sub-parts of Plaintiff's Original Complaint.

11. Defendants deny the allegations of Paragraph 12 of Plaintiff's Original Complaint.

**WHEREFORE, PREMISES CONSIDERED,** Defendant prays that upon final hearing hereof, Plaintiff takes nothing by way of her cause of action herein, that

Defendant recovers its costs herein expended and for such other and further relief, at law or in equity, to which Defendant may show itself justly entitled to receive.

Respectfully submitted,

**HERMES SARGENT BATES, L.L.P.**

By: /S/ David L. Sargent  
**DAVID L. SARGENT**  
State Bar No. 17648700

1717 Main Street, Suite 3200  
Dallas, Texas 75201  
(214) 658-6500  
(214) 658-6300 (fax)

ATTORNEYS FOR DEFENDANTS U.S.  
XPRESS AND ROBERT J. AKERS

**CERTIFICATE OF SERVICE**

The undersigned certifies that on the 10th day of January, 2005, a true and correct copy of the foregoing document was forwarded via certified mail, return receipt requested, to Ron Adkison, Wellborn \* Houston, L.L.P., PO Box 1109, Henderson, Texas 75653-1109, counsel for Plaintiff.

/s/ David L. Sargent  
**DAVID L. SARGENT**